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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.                 | CONFIRMATION NO. |
|---|-------------|-------------------------|-------------------------------------|------------------|
| 10/629,931  | 07/29/2003  | Charles Edward Schinner | 200309989-1                         | 9053             |
| 22879 7590 03/26/2007<br>HEWLETT PACKARD COMPANY<br>P O BOX 272400, 3404 E. HARMONY ROAD<br>INTELLECTUAL PROPERTY ADMINISTRATION<br>FORT COLLINS, CO 80527-2400 |             |                         | EXAMINER<br>PHANTANA ANGKOOL, DAVID |                  |
|   |             |                         | ART UNIT                            | PAPER NUMBER     |
|   |             |                         | 2179                                |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/26/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



|                              |                        |                          |  |
|------------------------------|------------------------|--------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>      |  |
|                              | 10/629,931             | SCHINNER, CHARLES EDWARD |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>          |  |
|                              | David Phantana-angkool | 2179                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5, 8-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Terry William Ogletree, Microsoft Windows XP Unleashed (hereinafter, Ogletree).**

**As for independent claim 1:**

Ogletree shows a *method for resuming a mode of display device operation, comprising:*

- *determining if a predetermined condition has been satisfied;*
- *if the predetermined condition has been satisfied, automatically resuming output of an interrupted yet previously output signal to the display device* (Ogletree: Choosing a Screensaver, shows the user can select a plurality of screensavers. A screensaver displays a certain image after a specified amount of time passes without the keyboard being touched or mouse being moved.

*Touching a key or moving the mouse deactivates the screen saver).*

**As for dependent claim 2:**

Ogletree shows *the method of claim 1, wherein determining if a predetermined condition has been satisfied comprises determining if there is no user activity for a predefined period of time* (Windows XP screensaver monitors the user input prior to activating the screensaver).

**As for dependent claim 3:**

Ogletree shows *the method of claim 2, wherein determining if there is no user activity comprises determining if no user input is received for the predefined period of time* (Windows XP screensaver monitors the user input and the elapse time prior to activating the screensaver).



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**As for dependent claim 4:**

Ogletree shows *the method of claim 1, wherein determining if a predetermined condition has been satisfied comprises determining if a slideshow of digital images is being displayed on the display device* (Ogletree: Choosing a Screensaver, Pg. 2).

**As for dependent claim 5:**

Ogletree shows *the method of claim 1, wherein determining if a predetermined condition has been satisfied comprises determining if a user input is awaited* (Windows XP screensaver monitors the user input and the elapse time prior to activating the screensaver).

**As for dependent claim 8:**

Ogletree shows *the method of claim 1, wherein automatically resuming output of a previously output signal comprises controlling a switch to provide the output signal to a digital image viewing device output port* (Ogletree: Choosing a Screensaver--a computer, digital image viewing device, have a switch).

**As for dependent claim 9:**

Ogletree shows *the method of claim 1, further comprising detecting activation of a digital image viewing device* (Ogletree: Choosing a Screensaver --a computer, digital image viewing device, have a switch).

**As for dependent claim 10:**

Ogletree shows *the method of claim 9, further comprising interrupting a received signal and outputting digital image data to the display device* (Ogletree: Choosing a Screensaver --a computer receives a signal and output the digital image data to the display device).

**As for independent claim 11:**

Ogletree shows *a method for controlling a digital image viewing device, comprising:*

- *detecting activation of the viewing device; interrupting output of a signal received by the viewing device* (Ogletree: Choosing a Screensaver --a computer, digital image viewing device, have a switch and video card to send signal to the display unit);
- *outputting digital image data from the viewing device to a display device* (Ogletree: Choosing a Screensaver, shows the user can select a plurality of screensavers. The user can also selects a plurality of pictures for slideshow, See Ogletree Pg. 2 of 2);



- *determining if a predetermined condition has been satisfied* (Ogletree: Choosing a Screensaver Pg. 1 and 2);
- *if the predetermined condition has been satisfied, automatically resuming output of the received signal from the viewing device to the display device* (Ogletree: Choosing a Screensaver Pg. 1 and 2; when the user mouse the mouse or touches the keyboard during a screensaver, the computer, a digital image viewing device, will resume output of the received signal to the display unit).

**As for dependent claim 12:**

Claim 12 contains similar substantial subject matter as claimed in claim 2 and is respectfully rejected along the same rationale.

**As for dependent claim 13:**

Claim 13 contains similar substantial subject matter as claimed in claim 4 and is respectfully rejected along the same rationale.

**As for dependent claim 14:**

Claim 14 contains similar substantial subject matter as claimed in claim 5 and is respectfully rejected along the same rationale.

**As for claims 15-18:**

Claims 15-18 contain similar substantial subject matter as claimed in claims 11-14 and are respectfully rejected along the same rationale.

**As for dependent claim 19:**

Ogletree shows *the system of claim 15, wherein the means for automatically resuming output comprises a switch that in one orientation provides digital data to the display device and in another orientation provides a received input signal to the display device* (Ogletree: Choosing a Screensaver Pg. 1 and 2; when the user mouse the mouse or touches the keyboard during a screensaver, the computer, a digital image viewing device, will resume output of the received signal to the display unit).

**As for claims 20-24:**

Claims 20-24 contain similar substantial subject matter as claimed in claims 1, 2, 4, 5 and 19 and are respectfully rejected along the same rationale.



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**As for dependent claim 25:**

Ogletree shows *the system of claim 20, further comprising logic configured to interrupt a signal output to the display device* (Ogletree shows a screensaver which interrupts the signal to the display device).

**As for dependent claim 26:**

Ogletree shows *the system of claim 20, further comprising logic configured to send digital image data to the display device* (Ogletree shows a screensaver which interrupts the signal to the display device. The user may select a plurality of pictures for the slideshow screensaver).

**As for claims 27-30:**

Claims 27-30 contain similar substantial subject matter as claimed in claims 1, 2, 4, 5 and 8 and are respectfully rejected along the same rationale.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terry William Ogletree, Microsoft Windows XP Unleashed (hereinafter, Ogletree).**

**As for dependent claim 6:**

Ogletree does not specifically show *the method of claim 1, wherein automatically resuming output of a previously output signal comprises automatically resuming output of a television programming signal to the display device*. While Ogletree does not teach the above limitation, it is well known in the art that a computer running Windows XP Microsoft system resume output of a television programming signal. Thus the above limitation would have been obvious to one of ordinary skill in the art at the time of the invention was made.

**As for dependent claim 7:**



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Ogletree does not specifically show *the method of claim 1, wherein automatically resuming output of a previously output signal comprises automatically resuming output of a video signal provided by a video player*. Windows XP comes with Windows Media Player which is a video player. Thus the above limitation would have been obvious to one of ordinary skill in the art at the time of the invention was made.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**